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Convention on the Rights of Persons with Disabilities

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Conference of States Parties to the Convention on the Rights of Persons with Disabilities
Third session
New York, 1-3 September 2010

Report of the third session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities

I. Introduction

1. In accordance with article 40 of the Convention on the Rights of Persons with Disabilities (General Assembly resolution 61/106) and as agreed during its second session, the third session of the Conference of States Parties was convened in New York from 1 to 3 September 2010 to discuss the implementation of the Convention. The theme of the session was "Inclusion of persons with disabilities through implementation of the Convention on the Rights of Persons with Disabilities".

2. The Conference had four formal meetings. During its first and second meetings, on 1 September, the Conference opened the session and held an election of 12 members of the Committee on the Rights of Persons with Disabilities. By re-electing six members to replace those members whose term will expire on 31 December 2010 and electing six additional members, the size of the Committee was increased, in accordance with article 34 of the Convention. Two round tables entitled "Inclusion and living in the community" and "Inclusion and the right to education" were held during the third meeting, on 2 September. On 3 September, there was an "Interactive dialogue on the implementation of the Convention by the United Nations system". There was also an informal meeting in the afternoon of 2 September, co-chaired by members of the Bureau and civil society, entitled "Emerging issues: persons with disabilities in situations of risk and humanitarian emergencies".

3. The Conference agreed to hold its fourth session from 7 to 9 September 2011, tentatively.

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II. Opening of the meeting and election of the members of the Committee on the Rights of Persons with Disabilities

4. The third session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities was held from 1 to 3 September 2010.

5. The first meeting was called to order in the morning of 1 September by the President of the Conference, Claude Heller (Mexico), who formally opened the meeting.

6. The Conference adopted the provisional agenda submitted by the Secretary-General (CRPD/CSP/2010/1) as its main agenda.

7. Pursuant to rule 25, paragraph 5 (c), of the rules of procedure for the Conferences of States Parties to the Convention (CRPD/SCP/2008/3), and on the basis of a non-objection procedure, eight non-governmental organizations were accredited to the Conference (see annex I).

8. At the opening meeting, statements were made by Sha Zhukang, Under-Secretary-General of the Department of Economic and Social Affairs, and Navanethem Pillay, United Nations High Commissioner for Human Rights (via video).

9. The Conference proceeded to consider agenda item 3, entitled "Election of the members of the Committee on the Rights of Persons with Disabilities".

10. The election was conducted by the Office of the High Commissioner for Human Rights and the Office of Legal Affairs. In the first stage of the elections, the following candidates were elected as members of the Committee on the Rights of Persons with Disabilities to replace those members whose terms would expire on 31 December 2010: Theresia Degener (Germany), Hyung Shik Kim (Republic of Korea), Lotfi Ben Lallohom (Tunisia), Edah Wangechi Maina (Kenya), Ronald McCallum (Australia) and Carlos Ríos Espinosa (Mexico).

11. The following candidates were elected as members of the Committee in the second stage of the elections to fill the six new additional seats occasioned by the increase in the number of States Parties to the Convention pursuant to article 34 of the Convention: Gábor Gombos (Hungary), Fatiha Hadj Salah (Algeria), Stig Langvad (Denmark), Silvia Judith Quang Chang (Guatemala), Damjan Tatić (Serbia) and Germán Xavier Torres Correa (Ecuador).

12. The President of the Conference chose by lot the three members of the Committee whose terms shall expire at the end of two years: Gábor Gombos (Hungary), Fatiha Hadj Salah (Algeria) and Silvia Judith Quang Chang (Guatemala).

III. Round-table discussions

13. In the morning of 2 September, the Conference started its third set of meetings with a presentation of panels from both round tables 1 and 2, followed by interactive discussions.

14. Following the presentations, the Chairs of the two round tables opened the floor for comments and questions from representatives of Governments and non-governmental organizations.

Round table 1: Inclusion and living in the community

15. Round table 1, entitled "Inclusion and living in the community", was chaired by Adam Kosa (Hungary), who used sign language. Presentations were made by three panellists: Mohammed Al Tarawaneh (Committee on the Rights of Persons with Disabilities), Steven M. Eidelman (University of Delaware) and Senada Halilcevic (Inclusion Europe). The panellists discussed issues concerning article 19 of the Convention on the Rights of Persons with Disabilities, which outlines the right of persons with disabilities to live in the community.

Round table 2: Inclusion and the right to education

16. Round table 2, entitled "Inclusion and the right to education", was co-chaired by Prince Ra'ad bin Zeid Al-Hussein (Jordan) and Noluthando Mayende-Sibiya (South Africa). Presentations were made by five panels: Maria Soledad Cisternas Reyes (Committee on the Rights of Persons with Disabilities), Robert Prouty (World Bank), Markku Jokinen (World Federation of the Deaf), Shuaib Chalklen (United Nations Special Rapporteur on Disability of the Commission for Social Development) and Ana Pelaez (Committee on the Rights of Persons with Disabilities). The five panellists discussed key issues, identified barriers and made suggestions for the implementation of the Convention.

IV. Informal meeting on emerging issues: persons with disabilities in situations of risk and humanitarian emergencies

17. In the afternoon of 2 September, an informal meeting was co-chaired by Jim McLay (New Zealand) and Yannis Vardakastanis, Vice-Chairman of the International Disability Alliance, representing civil society organizations. Presentations were made by David Carden (Office for the Coordination of Humanitarian Affairs), Valerie Scherrer (CBM), Maria Veronica Reina (Global Partnership for Disability and Development), Silvia Lavagnoli (Office of the United Nations High Commissioner for Human Rights) and Mansur Chowdhury (Committee on the Rights of Persons with Disabilities). Speakers discussed situations in natural disasters and humanitarian emergencies in which persons with disabilities are at increased risk. They held that accessible risk preparedness, relief and reconstruction would provide an opening to making communities more inclusive.

V. Interactive dialogue on the implementation of the Convention by the United Nations system

18. The fourth meeting of the Conference, held in the morning of 3 September, was chaired by the President, Claude Heller (Mexico). The meeting considered agenda item 4 (c), "Interactive dialogue on the implementation of the Convention by

the United Nations system". Statements were made by five speakers: Keiko Osaki Tomita (Department of Economic and Social Affairs), Maggie Nicholson (Office of the United Nations High Commissioner for Human Rights), Aleksandra Posarac (World Bank), Udo Janz (Office of the United Nations High Commissioner for Refugees) and Leyla Sharafi (United Nations Population Fund), who introduced initiatives and reported on the progress made by the respective United Nations entities. Many offered concrete examples of how they advanced disability rights in development and implemented the Convention through initiatives by their country-level offices.

VI. Other matters and closing of the Conference

19. The President, under agenda items 5 (Other matters) and 6 (Closing of the meeting), further noted that, pursuant to rule 9 of the rules of procedure for the Conferences of States Parties to the Convention on the Rights of Persons with Disabilities, the term of the current Bureau would end on 30 October 2010, and that during the third session the Conference started the process of election of its Bureau. As a result of regional negotiations, Thailand and Hungary will represent Asia and Eastern Europe, respectively, in the forthcoming Bureau of the States Parties to the Convention. The other regional groups are still in consultation.

20. In closing, the President reflected on the election and congratulated the 12 newly elected Committee members. He also summarized the discussions on articles 11, 19 and 24 of the Convention and highlighted the key challenges faced in the implementation of the Convention. He expressed his great satisfaction that the number of signatories had increased from 142 to 146 and ratifications from 66 to 90 since last year. He concluded the Conference by noting that conference documents, including the President's summary, would be posted and available on the United Nations website, www.un.org/disabilities.

21. The Conference had before it a compilation of best practices on the implementation of Inclusion and living in the community (article 19); Inclusion and the right to education (article 24); and Persons with disabilities in situations of risk and humanitarian emergencies (article 11) (CRPD/CSP/2010/CRP.2).

22. Statements made at the opening, interactive round tables and discussions of the third session of the Conference of States Parties, as well as other related information, can be accessed at: http://www.un.org/disabilities/default.asp?id=1532.

23. The Conference agreed to hold its fourth session tentatively from 7 to 9 September 2011, and that exact dates would be determined pending consultations on the availability of conference services.

Annex I

Non-governmental organizations accredited to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities during its third session

In accordance with rule 25, paragraph 5 (c), of the rules of procedure for the Conferences of States Parties to the Convention on the Rights of Persons with Disabilities, following a no-objection procedure, the following non-governmental organizations were accredited:

1. Attiva — Mente.
2. Belgian Disability Forum (ASBL).
3. Centre for Disability Studies, UWI.
4. Down Syndrome Society of Kenya.
5. G3ict — Global Alliance for Inclusive Technologies.
6. Joint National Association of Persons with Disabilities.
7. Victor Pineda Foundation.
8. Burton Blatt Institute (BBI) of Syracuse University.

Annex II

President's Summary of the third session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities

Round table 1: Inclusion and living in the community (article 19 of the Convention)

1. The panel discussed priority issues concerning article 19 of the Convention on the Rights of Persons with Disabilities, which outlines the right of persons with disabilities to live independently in their respective communities. Panellists discussed barriers to implementing article 19 as well as experience in and options for its successful implementation worldwide. The key themes of choice, autonomy, deinstitutionalization, full participation and supportive resources were reviewed and discussed by each panellist.

2. Mohammed Al Tarawneh (Committee on the Rights of Persons with Disabilities) stated that persons with disabilities are frequently institutionalized against their will. He asserted that the Member States should provide opportunities for choice, including the right to choose and the creation of favourable conditions to realize that right. He maintained that the States Parties should demonstrate that relevant conditions existed for the full inclusion of persons with disabilities, including available and affordable services.

3. Steven M. Eidelman (University of Delaware) stated that institutionalization, segregation and the lack of choices were a severe form of discrimination, which contradicted the goals and objectives of the Convention. He compared the process of person-centred planning to a dimmer switch which varies the intensity of light based on a person's desire and need. He discussed the four components of deinstitutionalization: helping people to leave long-stay institutions; supporting families with cultural sensitivity; building community capacity for all; and preventing further institutionalization and closing admissions. He stated that in order to ensure fulfilment and implementation of article 19, one important means was to work with aid agencies to ensure that no funding was provided to build or maintain segregated settings.

4. In her presentation, Senada Halilcevic (Inclusion Europe) discussed her life in an institution, in contrast to her life in the community, testifying that it was possible for persons with disabilities to have an independent life and define the level of assistance they needed. She concluded by stating that many countries that ratified the Convention had yet to implement it, and requested that a specific emphasis be placed on article 19 so that "all persons with disabilities living in institutions should have the opportunity to live a real life".

5. One of the main conclusions of the round table was to call upon States to increase their efforts in developing and implementing policies to ensure that persons with disabilities had equal opportunities to live independently and participate fully in the community. Furthermore, States should enhance their efforts to facilitate the transition of individuals from institutionalized care to that of community-based ones, as well as the development of affordable and accessible community services, including housing.

Round table 2: Inclusion and the right to education (article 24 of the Convention)

6. The panel discussed a wider range of issues concerning implementation of article 24 of the Convention on the Rights of Persons with Disabilities. The discussion centred on barriers to fully implement article 24, in addition to recommendations for its successful implementation, including insufficient data to determine rates of disability in schools and communities; poorly designed inclusive practices for the deaf; discrepancy between national policies and local practice; inadequate resources; and negative attitudes towards disability. Suggestions for implementation which were discussed include: teacher/staff/peer training, participation of persons with disabilities in the development of programmes/policies; inter-agency collaboration; and a bilingual approach to deaf education.

7. Prince Ra'ad bin Zeid Al-Hussein (Jordan) co-chaired the round-table session. He articulated the importance of the implementation of article 24, discussing how the adoption of the Convention had challenged Jordan to change its education standards. Noluthando Mayende-Sibiya, Co-Chair (South Africa) discussed some good examples of inclusive education policies and initiatives that the Government of South Africa had recently undertaken for implementation of article 24 of the Convention.

8. Maria Soledad Cisternas Reyes (Committee on the Rights of Persons with Disabilities) discussed the various elements and guidelines to inclusive education in the Convention. She believed there was a directly proportional relationship between inclusion and quality education: the greater the inclusiveness of the education, the greater the quality of the education would be and vice versa. She outlined some of the key aspects that were required for an inclusive and quality education, including: inclusion of teachers that had disabilities themselves; training for all operating in the school system about the importance of diversity and inclusiveness; and appropriate peer support.

9. Linda English, Deputy Head of the Education for All-Fast-Track Initiative Secretariat (World Bank/UNESCO) introduced the "Education for All-Fast-Track Initiative" and provided data that indicated a particular need for inclusive education in sub-Saharan Africa. She discussed some of the challenges to implementation of inclusive education systems in low-income countries, including: lack of databases; the weak capacity of nations to conduct the needs assessments; and the necessity to work in collaboration across government agencies.

10. Markku Jokinen (World Federation of the Deaf) emphasized the importance of including deaf education and culture in the implementation of inclusive education. He provided data which indicated the need for improved inclusion of deaf children in schools. He argued that bilingual education could be implemented in the general education curriculum, with both sign language and written language as academic subjects, and that States should promote an education system which provided an environment that maximized the academic and social development of deaf children.

11. Shuaib Chalklen, United Nations Special Rapporteur on Disability of the Commission for Social Development, asserted that the exclusion of children with disabilities from education resulted in their future dependence on society. He noted the shift in society from special education to mainstreamed/inclusive education and highlighted some of the South African education policies that were enacted prior to the adoption of the Convention on the Rights of Persons with Disabilities.

Mr. Chalklen noted the gap between national commitments and practice at local levels and identified key barriers to implementation as follows: the use of the deficit model; the lack of resources and political will; the lack of accessible teaching materials/resources/environments; the lack of support from teachers/teachers unions; and the lack of understanding of the legal frameworks/policies that existed in many countries.

12. Ana Pelaez (Committee on the Rights of Persons with Disabilities) highlighted the main barriers to access to education as social barriers, such as attitudinal barriers; policy barriers, including lack of resources, policy discrepancies between frameworks, resources and barriers in school and community education centres, including lack of knowledge or limited resources. She emphasized that women and girls had greater challenges in accessing education.

13. The round table welcomed the information concerning the ongoing efforts by the United Nations Educational, Scientific and Cultural Organization/World Bank and their "Education for All-Fast-Track Initiative" to promote the right of children with disabilities to education. The round table highlighted the fact that children with disabilities were still facing discrimination that would prevent States from achieving the goal of universal primary education for all and other Millennium Development Goals. One of the main conclusions of the round table was the need for States to pursue efforts in ensuring access to education for children with disabilities, particularly by making their mainstream education system fully accessible to and inclusive of persons with disabilities.

Interactive dialogue on the implementation of the Convention by the United Nations system

14. The President of the Conference, Claude Heller (Mexico), opened the session and introduced the participants in the interactive dialogue. Panellists included representatives of the Department of Economic and Social Affairs of the Secretariat, the Office of the United Nations High Commissioner for Human Rights, the World Bank, the Office of the United Nations High Commissioner for Refugees and the United Nations Population Fund.

15. Panellists introduced their programmes and offered concrete examples of how they were implementing the Convention. Keiko Osaki Tomita (Chief of Demographic and Social Statistics, United Nations Statistics Division, Department of Economic and Social Affairs) described the role of the Statistics Division within the Department and discussed three domains of activities related to disability statistics, namely: the 2010 World Population and Housing Programme, its guidance on the development of disability statistics, and mainstreaming disability in the context of monitoring and progress in the Millennium Development Goals. She also discussed some of the challenges of collecting disability statistics and shared a vision for the future work of the Statistics Division as it related to disability.

16. Maggie Nicholson (Deputy Director of the Office of the United Nations High Commissioner for Human Rights, New York Office) discussed the study by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the structure and role of national mechanisms for the implementation and monitoring of the Convention (A/HRC/13/29). She then contextualized the study within the broader context of the work of OHCHR worldwide. She also mentioned

the adoption of a guidance note for including disability in United Nations programming at the country level.

17. Aleksandra Posarac (Lead Human Development Economist, World Bank) affirmed that the focus of the World Bank as it related to disability was on the creation of knowledge and on the provision of good examples of implementation of the Convention. Ms. Posarac introduced a wide range of World Bank projects on disability worldwide, including projects in Albania, Bangladesh, Bosnia and Herzegovina, Ethiopia, Serbia and Tunisia. She highlighted the work of the Global Partnership for Disability and Development consisting of States, the United Nations system and civil society (supported by the World Bank) and encouraged States and all other stakeholders to join the Global Partnership. Ms. Posarac identified the key challenge for the World Bank to pursue its country-driven business model and the need for disability to become one of the main priorities for the countries in which the Bank worked.

18. Udo Janz (Director of the Office of the United Nations High Commissioner for Refugees in New York) discussed the issues faced by displaced populations worldwide and the needs of persons with disabilities within that population. He further discussed the double vulnerabilities of the displaced and disabled population, and outlined some of the barriers to accessing services for persons with disabilities. He outlined specific efforts made by UNHCR for persons with disabilities and gave three examples of targeted programming in the Central African Republic, the Syrian Arab Republic, and Yemen.

19. Leyla Sharafi (United Nations Population Fund, Technical Specialist on gender issues) discussed United Nations Population Fund programming, specifically as it related to women with disabilities, gender, and sexual and reproductive health. She provided examples of UNFPA support at the country level from Armenia, Belize, El Salvador, Mongolia, Sri Lanka, Tajikistan, the Republic of Moldova and Viet Nam.

20. The President of the Conference of States Parties welcomed the presentations by several United Nations agencies, programmes and funds concerning how they were promoting the rights of persons with disabilities as an integral part of their work. The President noted that the annual Conference of States Parties was an excellent forum for United Nations agencies, programmes and funds to provide regular updates on their work to support the implementation of the Convention on the Rights of Persons with Disabilities. He further suggested that that periodic reporting should be done by all relevant United Nations agencies, funds and programmes, including in the form of a written report to the Conference of States Parties.

21. The President welcomed Human Rights Council resolution 13/11, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to prepare a study to enhance awareness of the role played by international cooperation in support of national efforts for the realization of the purpose and objectives of the Convention. He then called upon States, multilateral and bilateral donors as well as civil society to contribute to the study and recommended that the Office of the High Commissioner present the study at the fourth session of the Conference of States Parties. The President also suggested that the presentation and subsequent discussion of the study be used to explore how the Conference of States

Parties could serve as a forum for the exchange of information on practices related to international cooperation to promote the implementation of the Convention.

22. The President further stated that the General Assembly should consider the possibility of reviewing the mandate of the United Nations Voluntary Fund on Disability in order to allow the use of the Fund to finance the participation of representative organizations of persons with disabilities from developing countries in future sessions of the Conference of States Parties, as well as in relevant sessions of the Committee on the Rights of Persons with Disabilities. The President also called upon States for that purpose to make contributions to the Voluntary Fund.

Presentation of the Chair of the Committee on the Rights of Persons with Disabilities

23. The Chair of the Committee on the Rights of Persons with Disabilities made a presentation followed by the interactive discussion. The Chair first addressed the updates of the work of the Committee from its second session. He discussed the completion of reporting guidelines, which were available on the website. He also mentioned the work being done on article 12.

24. During the third session, the Committee on the Rights of Persons with Disabilities discussed the development of rules of procedure and working methods. The Committee also produced statements on the situation of persons with disabilities affected by natural disasters in Chile, China and Haiti. The Chair of the Committee also discussed the upcoming fourth session, in which they hoped to have a dialogue with Tunisia. The Committee also planned to commence its work on articles 9 and 21 of the Convention during the fourth session.

25. The Chair called for attention to the need for United Nations agencies to recognize the clear shift from the medical model to that of social/human rights, and said that United Nations documents should reflect that change. He also suggested that a fund be established to support the work of the members of the Committee. He recommended that national reports to the Committee should be within 60 pages owing to the extensive translations in Braille. Lastly, he thanked Spain for submitting its national report by the established deadline.

Summary of the informal meeting

26. Diane Richler introduced the International Disability Alliance (IDA) and commended the Conference of States Parties for focusing on persons with disabilities in situations of risk and humanitarian emergencies (article 11). She discussed situations in which persons with disabilities were at increased risk and stated that disaster management increasingly included the needs of persons with disabilities. She affirmed that reconstruction would provide an entry point to make communities more inclusive. She also mentioned that situations of risk should include risk to survival, based on non-discrimination in non-crisis contexts.

27. Ms. Richler called for attention to the upcoming summit on the Millennium Development Goals, and stated that the Convention on the Rights of Persons with Disabilities required that persons with disabilities be taken into account in all aspects of the implementation of those Goals. Furthermore, she called for the establishment of a multi-donor trust fund to promote mainstreaming of the rights of persons with disabilities in development, together with United Nations agencies and

other country partners in collaboration with disabled persons' organizations, in order to fully implement the Convention.

28. In adding to Ms. Richler's comments, Jim McLay (New Zealand) agreed that the informal session had highlighted the need for United Nations agencies to provide an approach to situations of risk and humanitarian emergency that comprehensively mainstreamed disability. He noted the presentation by the Office for the Coordination of Humanitarian Affairs that while they had mainstreamed gender and the rights of children and other groups in its work, there was a need to focus on the rights of persons with disabilities and to ensure that disability should be included in all aspects of their work. Mr. McLay stated that he hoped that the Office would be able to take up the issue as a matter of priority, particularly in the light of the natural disaster in Pakistan. He further expressed his hope that it would be able to report on progress at upcoming sessions of the Conference of States Parties.

29. The President of the Conference of States Parties welcomed the news about the forthcoming conclusion of the work done by the Executive Committee of the Office of the United Nations High Commissioner for Refugees on refugees and other persons of concern to the Office, including persons with disabilities. He further emphasized the need to urgently review policies, programmes and standards of the United Nations, States and non-governmental organizations in order to ensure that the rights of persons with disabilities be included in the areas of emergency relief and reconstruction as well as disaster preparedness.

30. The President welcomed the adoption by the United Nations Development Group (UNDG) of the Guidance Note for United Nations Country Teams and Implementing Partners entitled "Including the rights of persons with disabilities in United Nations programming at country level". He further encouraged its wide dissemination among all country offices of United Nations agencies, programmes and funds. The President called on the Inter-Agency Support Group for the Convention on the Rights of Persons with Disabilities and UNDG to present to the Conference of States Parties at its fourth session a report on the implementation of the Guidance Note.

31. In concluding the Conference of States Parties, the President made a number of final comments. He called upon all States Members of the United Nations that had not yet ratified the Convention on the Rights of Persons with Disabilities to pursue the process towards ratification.

32. The President acknowledged the urgency to take fully into account the rights of persons with disabilities in the efforts towards the achievement of the Millennium Development Goals as well as in the planning for the post-Millennium Development Goal poverty reduction strategies. He stressed that there was a strong link between the implementation of the Convention on the Rights of Persons with Disabilities and the achievement of the Millennium Development Goals. The President highlighted the need to produce disability-disaggregated data to support the planning and the monitoring of efforts to make Millennium Development Goal-related policies and programmes inclusive of and accessible to persons with disabilities. The President also called upon the Secretariat of the United Nations to present a global outlook on the progress made in that regard.

33. The President welcomed the proposal made by the International Disability Alliance to explore the feasibility of promoting a United Nations disability rights fund which would support the implementation of the Convention, with particular attention given to the situation of developing countries.